

Meeting #6 Minutes - Task Force on Public Works

Conference Call, May 24, 2000

PARTICIPANTS:

State:

Russ Katherman (A&E Division)
Jim Whaley (A&E Division)
Tom O'Connell (A&E Division)
Dick Mayer (Fish, Wildlife & Parks)
Al Mulkey (UM)
Eakle Barfield (MSU-Billings)
Bob Lashaway (MSU)

Private Sector:

Steve L'Heureux (L'Heureux Page Werner)
Toby Stapleton (JGA Architects)
Jim Baker (A&E Architects)
Keith Rupert (CTA Architects Engineers)
Jim Weatherly (WGM Group)

AGENDA:

- Recap of current Task Force discussions concerning alternative delivery methods.
- Brief discussion of design-build legislation gathered from other states.
- Open discussion of methodology and approaches.
- Relayed position of MCA regarding alternative delivery methods.
- Set future direction of pursuing delivery methods.

DISCUSSION:

Alternative Delivery Methods -

- Russ gave a recap of the content of previous discussions by the Task Force concerning alternative delivery methods.
- Legislation from other states:
 - ♦ All but a few states (approximately six) allow other forms of project delivery beyond low bid.
 - ♦ Processes vary from state to state.
 - ♦ Some of the legislation distributed appeared cumbersome to use.
- Alternate Delivery Methods:
 - ♦ Steve – no single method is best.
 - ♦ Russ – make DB (or other method selected) project specific, i.e. evaluate best delivery method application on a project by project basis.
 - ♦ Russ – SJR 9 committee is not pursuing any changes to construction statutes.
 - ♦ Bob – lack of performance is the real issue.
 - ♦ Alan – problem with DB is that the owner is pitted against the DB team without an ally (i.e. architect) on his side.
 - ♦ Jim B. – pre-qualification of contractors is needed.
 - ♦ Alan – DB is much easier for the private sector but is not necessarily much faster or better than low bid. Gov't use of it could be very difficult.
 - ♦ Cecilia – owner loses control of the project cost and needs sophisticated front-end requirements to deal with that.
 - ♦ Steve – should DB be designer-driven or contractor-driven?
 - ♦ Keith – agree that we are trying to force what works in the private sector into a government system and it won't work as well. Recommend trying prototype legislation – 2-3 DB and 2-3 CM @ Risk projects.
 - ♦ Russ – resistance from those opposed to DB or other delivery methods will be primarily concerned with an open and fair selection process without subjectivity being involved. Low-bid is viewed as having the lowest amount of subjectivity possible.
 - ♦ Russ – recommend a study group of architects/engineers, contractors and state be formed to review and draft proposals.

Montana Contractors Association (MCA) Position -

MCA's official position is that the low-bid process should remain in effect but they are open to discussion of alternative delivery methods.

Other Issues -

- Jim Weatherly stated that Tim Coleman (A.C.E.) and Bill Lynch (Con 'eer) would like to represent the M/Es on the Task Force. It is necessary that they be appointed by the Tech Council.
- State doing a better job on pre-planning and planning was discussed. There is a need to do much better pre-planning and planning in order to better identify needs and costs with agencies prior to bringing the architect/engineer into the design process. Need to have conceptual studies completed prior to taking to legislature for funding.

Future Direction & Task Items -

- Tech Council (through Jim Weatherly) will select two private sector members from the Task Force to participate in the Alternate Delivery Method Study Group at its June 8th meeting.
- A&E Division (Russ) will contact MCA and request that they appoint two of their members to participate in the Alternate Delivery Method Study Group.
- A&E Division (Russ & Tom) will discuss who will participate from the Owners' side.